REMARKS

Claims 1 and 3-22 are pending in the present application.

At the outset, Applicants note that the Examiner indicates that Claims 1-8 are pending and rejected. However, Applicants direct the Examiner's attention to the Preliminary Amendment filed on March 28, 2005, in which Claims 2-4 were canceled.

The rejections of: (a) Claims 5 and 7 under the doctrine of obviousness double patenting over Herrmann et al (US 6,607,565) in view of Mischke et al (US 5,508,389), and (b) Claims 1-8 under 35 U.S.C. §103(a) over Herrmann et al (US 6,607,565) or Siegel et al (US 6,117,224) in view of Mischke et al (US 5,508,389), are obviated in part by amendment and traversed in part.

Despite the alleged disclosure by the Examiner, Applicants submit that both Herrmann et al and Siegel et al require a co-dispersant. As a co-dispersant 3 to 50 weight percent of one or more aromatic or long-chain aliphatic carboxylic acids, salts thereof, or anhydrides thereof are disclosed (see claim 1 and column 5, lines 1-9 of Herrmann et al and claim 1 and column 4, line 66 to column 5, line 7 Siegel et al). However, an aromatic or long-chain aliphatic carboxylic acids or derivatives thereof are *absent* according to the invention and expressly *excluded* by using the language "essentially consisting of" in amended claim 1. Thus, the present invention is not obvious. Certainly, the obviousness double patenting rejection over Claims 5 and 7, which depend from Claim 1 should be withdrawn.

Applicants note an additional deficiency, which is recognized by the Examiner, is that neither Herrmann et al nor Siegel et al disclose a composition that includes component B

with an average molecular weight of at least 11 000 g/mol. The Examiner cites Mischke et al as allegedly solving this deficiency.

Mischke et al is directed to a concentrated aqueous solution of *water-soluble anionic azo dyes*. Since the anionic azo dyes are water-soluble, no dispersant is needed. Consequently, Mischke et al does not disclose or suggest the use of dispersants. Condensation products of naphthalene sulfonic acids with formaldehyde are mentioned in Mischke et al as viscosity-reducing auxiliaries, not as dispersants. Quite to the contrary, the present invention is related to dye preparations containing *water-insoluble* anthraquinone, quinophthalone or azo dyes which are free of ionic groups. Accordingly, Mischke et al is not analogous art with the present invention or either of Herrmann et al and Siegel et al. Thus, there would be no motivation to combine the disclosures of Herrmann et al or Siegel et al with the disclosure of Mischke et al, much less a reasonable expectation of success.

In view of the foregoing, withdrawal of these grounds of rejection is requested.

The rejections of: (a) Claims 1-6 under 35 U.S.C. 103(a) over Kazuo et al (JP 05-255626) in view of Mischke et al (US 5,508,389), and (b) Claims 7 and 8 under 35 U.S.C. §103(a) over Kazuo et al (JP 05-255626) in view of Mischke et al (US 5,508,389) and further in view of Herrmann et al (US 6,607,565) or Siegel et al (US 6,117,224), are obviated in part by amendment and traversed in part.

The Examiner alleges that Kazuo et al disclose an inkjet printing process with a composition that includes a disperse dye such as anthraquinone or azo-based, naphthalene sulfonic acid formaldehyde condensation product, glycol and water. The Examiner recognizes that Kazuo et al do not disclose the average molecular weight of at least 11 000 g/mol and the components in the amounts as recited by the applicant. In an attempt to

compensate for this deficiency, the Examiner cites Herrmann et al and Siegel et al for disclosing the components of the dispersant and Mischke et al as disclosing the molecular weight. Applicants respectfully traverse the Examiner's conclusions as to obvious.

Kazuo et al relates to *water-insoluble* or slightly soluble disperse dyes. However, as submitted above, Mischke et al is related to *water-soluble*, anionic dyes, and not to dispersed dyes. Mischke et al disclose condensation products of naphthalene sulfonic acids and formaldehyde as viscosity-reducing auxiliaries. Thus, Mischke et al is not analogous art with the present invention or either of Herrmann et al and Siegel et al.

Therefore, there is no motivation for those skilled in the art to employ the condensation products known as viscosity-reducing auxiliaries in connection with water-soluble anionic azo dyes as disclosed by Mischke et al as dispersants in the compositions of Kazuo et al, Siegel et al, or Herrmann et al, which are compositions of water-insoluble dyes (lacking ionic groups, which would render them water-soluble). Furthermore, it is more than a mere optimization to choose a molecular weight of the condensation product of at least 11000 g/mol, since Mischke et al only discloses a very broad range of from 350 to 35000 g/mol, and does furthermore not suggest the suitability of the condensation products as dispersants for water-insoluble disperse dyes free of ionic groups. Therefore, Applicants submit that the claimed invention is not obvious in view of the combined disclosures of Kazuo et al and Mischke et al, or further in view of Siegel et al and Herrmann et al.

In view of the foregoing, withdrawal of these grounds of rejection is requested.

The rejection of Claims 1-8 under 35 U.S.C. §112, second paragraph, is obviated by amendment.

Claim 1 has been amended based on page 9, lines 25-27 to specifically address the Examiner criticism.

Withdrawal of this ground of rejection is requested.

Applicants submit that the present application is in condition for allowance. Early notification to this effect is respectfully requested.

Respectfully submitted,

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